

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN EXAMINATION BY THE PUBLIC SERVICE)	
COMMISSION OF THE ENVIRONMENTAL)	CASE NO.
SURCHARGE MECHANISM OF EAST KENTUCKY)	2014-00051
POWER COOPERATIVE, INC. FOR THE SIX-)	
MONTH BILLING PERIOD ENDING DECEMBER)	
31, 2013 AND THE PASS THROUGH MECHANISM)	
FOR ITS SIXTEEN MEMBER DISTRIBUTION)	
COOPERATIVES)	

ORDER

On August 5, 2015, the Commission issued an Order that granted in part and denied in part East Kentucky Power Cooperative, Inc.'s ("EKPC") August 22, 2014 motion for confidential treatment of its response to Commission Staff's Third Request for Information ("Staff's Third Request"), Item 5.b.

In its August 5, 2015 Order, the Commission granted confidential protection for customer and substation usage information contained within the response and denied confidential protection for the rates, customer and substation names within the response.

On August 25, 2015, EKPC tendered a letter to the Commission wherein EKPC stated that the Commission had misinterpreted its request for confidentiality to include the entirety of its response to Staff's Third Request, Item 5.b., whereas EKPC had intended to request confidential treatment only for the customer and substation names. EKPC states that as issued, the Commission's previous Order would permit parties to piece together the entirety of the information provided in the response, as the Order

granted confidential protection to information previously publicly disclosed and denied confidential protection to the remaining information in the response, namely the substation names. EKPC asserts that public disclosure of the customer and substation names would create a competitive disadvantage by disclosing detailed billing and usage information to other utilities and agencies. Accordingly, EKPC requests clarification of the Commission's August 5, 2015 Order, and specifically questions whether redaction of the customer and substation names, leaving all other information unredacted, would be sufficient to comply with the Commission's Order.

Having reviewed the letter and being otherwise sufficiently advised, the Commission finds that EKPC's August 25, 2015 letter, which was timely filed, should be treated as a motion for rehearing pursuant to KRS 278.400. The Commission finds that its August 5, 2015 Order misconstrued EKPC's August 22, 2014 request for confidential treatment to include the entirety of EKPC's response to Staff's Third Request, Item 5.b. Upon reviewing EKPC's August 25, 2015 letter, which explicitly states that the motion for confidential treatment encompassed only customer and substation names, the Commission finds that compliance with the August 5, 2015 Order would create a conflict by requiring redaction of customer information that was previously publicly disclosed and disclosing the remaining customer and substation names and billing information. Disclosure of such information would constitute a competitive disadvantage pursuant to KRS 61.878, and the Commission therefore finds that EKPC's request for rehearing should be granted. The Commission further finds that EKPC's motion for confidential treatment of the customer and substation names in its response to Staff's Third Request, Item 5.b., should be granted. Finally, the Commission finds that EKPC did not

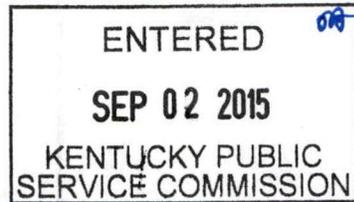
request confidential treatment of the remaining information in its response, which included customer and substation usage information, and that such information was previously publicly disclosed and confidential protection is therefore unwarranted.

IT IS THEREFORE ORDERED that:

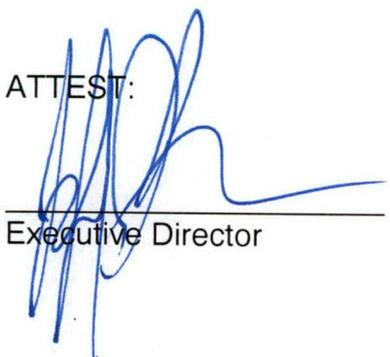
1. EKPC's request for rehearing is granted.
2. EKPC's motion for confidential treatment of the customer and substation names in its response to Staff's Third Request, Item 5.b., is granted. The materials granted confidential protection will not be placed in the public record or made available for public inspection for a period of ten years from the date of this Order, or upon further Orders of this Commission.
3. EKPC's original redaction of customer and substation names complies with the terms of this Order.
4. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).
5. EKPC shall inform the Commission if the materials granted confidential protection become publicly available or no longer qualify for confidential treatment.
6. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, EKPC shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If EKPC is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

7. The Commission shall not make the materials available for inspection for 20 days following an Order finding that the materials no longer qualify for confidential protection in order to allow EKPC to seek a remedy afforded by law.

By the Commission



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